

REGULAR CITY COUNCIL MEETING MINUTES
DECEMBER 1, 2008, 5:30 P.M.
CITY COUNCIL CHAMBERS

The City Council of Newton, Iowa met in regular session at 5:30 P.M. on the above date in the Council Chambers at 101 West 4th Street South. Mayor Allen presided. Present: Council members Plumb, Hansen, Foreman, Morris, Mullan. Absent: None.

There was no citizen participation.

Wendy Jenkins, Director of the Retired Senior Volunteer Program presented an update by highlighting their activity. She noted they have over 70 volunteers active in 12 main locations; she went on to state 7 volunteers assisted in preparing 766 income tax returns so those individuals would be able to receive their stimulus revenue. Jenkins thanked the Council for the City's \$11,000 contribution and hoped that would be maintained in order for them to continue to receive their federal funding.

Moved by Morris, seconded by Mullan to approve consent agenda items 3-4.

3. Approve November 17, 2008 Regular City Council Meeting Minutes and City Council Workshop Minutes
4. Approve Class E Liquor License, Carryout Beer, Carryout Wine, Sunday Sales, Hy-Vee # 1, 1501 First Avenue East

AYES: Five. NAYS: None. Consent agenda approved.

Mayor Allen stated this was the time place for a public hearing on a Resolution Authorizing Sale Of Lots 10 And 11 Of Mershon's Addition In The 1000 Block Of North 2nd Avenue East Through The City of Newton Dangerous and Dilapidated Building Program. There had been no written comments. At Public Input Harold Harned, 105 Thomas Jefferson Road, Lambs Grove was wondering if this property included the railroad right of way? Bryan Friedman, Community Development Director stated from our records the railroad right of way was owned by Quiznos, it was not included in this property we are discussing this evening. It was suggested this public hearing be continued until December 15, 2008 so potential purchasers will have an additional opportunity to make an offer on the property. Moved by Hansen, seconded by Plumb to continue the public hearing. AYES: Five. NAYS: None. Public hearing continued.

Moved by Hansen, seconded by Foreman to remove from the table the Public Hearing on the Resolution Adopting The Agricultural Airport Use Agreement And Lease. AYES: Five. NAYS: None. Public Hearing was now removed from the table. Mayor Allen stated this was the time and the place for a public hearing on the Resolution Adopting The Agricultural Airport Use Agreement And Lease. The City Clerk noted there had been one written comment filed by Todd Hackathorn. There were no public comments. Darrin Hamilton, City Attorney stated there had been issues and concerns about the agreement; he went on to note he had visited with the Speedways legal counsel. The City Attorney made suggested amendments as follows: In section 1-D change the three consecutive years to two consecutive years and Section 1-F amend to read - Termination of Agricultural Airport Use Agreement and Lease by either party. This Airport Use Agreement and Lease may be terminated at will by either party, effective September 1st of any year, upon the giving of written notice thereof to the Corporation, addressed and delivered in person to U.S. Motorsport Corporation, 3201 S. 24th Ave. E., Newton, Iowa 50208 or to the City, addressed and delivered to the Newton City Clerk, City Hall, 101 W. 4th St. S., Newton, Iowa 50208. Corporation or its sublesor may finish up the harvesting of their crop to the end of the year the lease is terminated. A discussion ensued by council members. Moved by Foreman, seconded by Hansen to close the public hearing. AYES: Five. NAYS: None. Public Hearing closed. Moved by Hansen, seconded by Plumb to amend the agreement and lease as was suggested above by the Attorney. AYES: Four. NAYS: Foreman. Amendment to the resolution passed. Moved by Hansen, seconded by Plumb to approve the resolution as amended. AYES: Four. NAYS: Foreman. Resolution No. 2008 – 153 adopted.

Moved by Mullan, seconded by Plumb to Introduce a Resolution Accepting Work On The Salt-Sand Storage Building 2008 Project. AYES: Five. NAYS: None. Resolution No. 2008 – 154 adopted.

Moved by Hansen, seconded by Mullan to Introduce a Resolution Authorizing The Submission Of An Application For Federal Airport Improvement Program Funding And Certifying Eligibility Requirements. AYES: Five. NAYS: None. Resolution No. 2008 – 155 adopted.

Moved by Morris, seconded by Hansen to Introduce a Resolution Authorizing The Approval Of The Iowa Department Of Transportation Agreement For Airport Improvement Project Funding. It was noted recently, the City Council approved submitting an application to the IDOT Office of Aviation for state monies for the project as a special out of cycle request. Good news to report as the application has been approved at the full 85% level. The state

share of the project is up to \$363,800 of the \$428,000 project cost. This resolution approves the agreement with IDOT to move forward with the project. AYES: Five. NAYS: None. Resolution No. 2008 – 156 adopted.

Moved by Plumb, seconded by Mullan to Introduce the Resolution Authorizing The Newton Fire Department To Submit A Fire Prevention And Safety Grant TO Purchase A Live Fire Training System Upon Grant Approval. Ed Clement, Fire Chief explained this system is used for fire extinguisher training classes. AYES: Five. NAYS: None. Resolution No. 2008 – 157 adopted.

Moved by Hansen, seconded by Plumb to Introduce a Resolution Directing Publication Of Notice Of Intent To Fill The At Large Vacancy By Appointment. A discussion ensued over the timeline that was used for the vacancy that occurred in 2007. Mayor Allen stated the deadline for filing for the appointment was Friday, December 5, 2008 by 4:30 p.m. Staff also suggested having the Special Meeting to make the appointment on Thursday, December 18, 2008 at 5:30 p.m. Council members were going to check their calendars. AYES: Five. NAYS: None. Resolution No. 2008 – 158 adopted.

The next agenda item was a discussion on the Newton Development Corporation Executive Director Vacancy and Funding. Thomas Wardlow, Interim City Administrator stated he had been contacted by the chair of the NDC Board requesting two items from the Council: How the Council would like to participate in the process to recruit and select a new Executive Director and who the Council would like to appoint as a representative(s) and that the Council consider extending through December 31, 2012 the additional 2% hotel/motel investment agreement coming up for renewal on December 31, 2009. Bev Price, Board Chair for NDC visited with the Council about the resolution that had been discussed in April of 08 and has never been adopted. The resolution was to clarify the Resolution that was adopted in 2005. Price also stated the Board needed to know if the additional funding of the 2% would be available to them after December of 2009 as they need to begin the search for a new executive director. Foreman stated we need to figure out our city budget first. Hansen noted when an opportunity like this comes around we need to take advantage of that. Foreman also commented we need that 6th councilperson in on these discussions. Mayor Allen stated we would work on this parallel with the budget process.

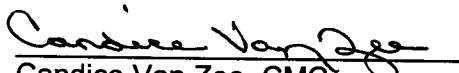
Under new business Thomas Wardlow, Interim City Administrator wanted to remind everyone the parking meters on the square were being replaced with digital meters, he also noted he would like to move the budget guidelines workshop from December 8, 2008 to December 15, 2008 prior to the regular city council meeting.

There was no old business that came before the Council.

Moved by Hansen, seconded by Foreman to go into closed session to Discuss and Determine Strategy in Regard to Collective Bargaining Issues, Which Discussions are Exempt from the Open Meetings Law Pursuant to the Provisions of Section 20.17(3) Code of Iowa 2008. AYES: Five. NAYS: None. Motion passed. Mayor Allen declared a five-minute recess to clear the council chambers.

Upon return to open session at 7:07 p.m. it was moved by Foreman, seconded by Mullan to go into closed session To Discuss Strategy In Matters Relating To Employment Conditions, Of Employees Of The Governmental Body Who Are Not Covered By A Collective Bargaining Agreement Which Discussions Are Exempt From The Open Meetings Law Pursuant To The Provisions Of Section 21.9, Code of Iowa 2008. AYES: Five. NAYS: None. Motion passed. Mayor Allen declared a two-minute recess for the clerk to change tapes.

Upon return to open session at 8:06 p.m. it was moved by Morris, seconded by Foreman to adjourn the meeting at 8:06 p.m. Motion unanimously carried by voice vote.


Candice Van Zee, CMC
City Clerk


Charles Allen, Mayor